

**MINUTES OF A REGULAR MEETING OF
THE BOARD OF ZONING APPEALS
OF THE CITY OF JASPER, INDIANA AND PUBLIC HEARING
July 9, 2014**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Dan Buck took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Josh Gunselman, Vice Chairman	-Present	Darla Blazey Director of Community Development/Planning	-Present
Dan Buck, Secretary	-Present	Renee Kabrick, City Attorney	-Present
Bob Cook	-Present		

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the June 4, 2014 regular meeting were reviewed. Randy Mehringer made a motion to approve the minutes as mailed. Josh Gunselman seconded it. Motion carried 5-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

OLD BUSINESS

Petition of Kamisub, LLC for variance to allow an Assisted Living Residential Housing Development in an I-B (Industrial-Business District)

Attorney Eric Schue, of Bingham Greenebaum Doll, was present on behalf of Kamisub, LLC, to request a variance to allow an Assisted Living Residential Housing Development in an I-B (Industrial-Business District). The variance is needed for Subhash Kataria, the owner of the Ramada Inn, to market this property as an assisted living residential housing development. Attorney Schue provided a handout to explain to the board the need for this variance and to show proposed floor plans for the assisted living center. The Ramada Inn, located at 951 Wernsing Road, currently has 202 rooms. Attorney Schue says that is too big and that there isn't enough demand or a market for this size of hotel in the city of Jasper. Kamisub, LLC would like to use 73 of the rooms, leaving the hotel with 130 rooms, to turn into an assisted living center, with the proposed floor plans showing all one bedroom apartments at 314 square feet per room. Attorney Schue told the board that the demand for this type of business is tremendous. The property is

only one mile away from Memorial Hospital, and having the hotel next door will give visitors somewhere to stay after traveling to see their family members.

Chairman Uebelhor questioned the connection between the hotel and the proposed area for the assisted living center. Nathan Wagner, of Cash Wagner and Associates, said that the decision of leaving or getting rid of the connection would be made by the future buyer. Bob Cook clarified that the variance would just grant the right to market as an assisted living center and that no construction would be taking place. Mr. Wagner and Attorney Schue both agreed; construction would require the property to be platted or additional variances sought.

With no remonstrators present, Vice Chairman Gunselman made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Vice Chairman Gunselman made a motion to grant a variance to allow an Assisted Living Residential Housing Development in an I-B (Industrial-Business District). Bob Cook seconded it. Motion carried 5-0.

NEW BUSINESS

Petition of Dubois-Pike Credit Union for a variance from Section 16.03.050 (Off-Street Parking & Loading), and two variances from Section 16.02.130 (Setback Requirements)

Brad Eckerle, of Brosmer Land Surveying and Engineering, was present on behalf of Dubois-Pike Credit Union, to request a variance regarding off-street parking and loading for the parking configuration of the existing building and proposed addition, and two variances regarding setback requirements to build an addition to the existing building within 23 feet of the front yard along Staat Strasse and within 41 feet of the front yard along Third Avenue. The Dubois-Pike Federal Credit Union facility is located at the corner of Staat Strasse and Third Avenue, being the tract of land with an existing building addressed as 124 Staat Strasse.

Brad Eckerle told the board the existing square footage is 2,870 square feet. The expansion would add 1,410 square feet. A 3-foot variance is being sought along the Third Avenue side of the building and a 16-foot variance is being sought in regards to the Staat Strasse side of the building.

In regards to parking, Mr. Eckerle told the board there are currently 15 parking spaces situated on the lot. With the impacts of the improvements, 1 or 2 parking spaces would be lost. A variance is being requested to allow only 13 parking spaces instead of 18, the total spaces required by the City's ordinance for the additional square-footage and employees. With the use that is there now, there are currently 9 employees, with 6 full-time. As far as customer use, 50 % of customers use the drive thru. With the addition to the building, there is potential to add 2 more part time employees.

Chairman Uebelhor opened the floor for public comment.

Attorney Eric Schue, of Bingham Greenebaum Doll, was present on behalf of both German American Bank and BR Associates, to object to the variance encroaching into their easement on the Third Avenue side of the Dubois-Pike Credit Union facility. German American

Bank and BR Associates rely on the 25-foot easement for the ingress and egress and believe they have valid rights to this easement. Attorney Schue also stated the parking isn't as big of a concern as the easement encroachment; however, they do worry that by reducing parking spaces, any overflow could result in the Credit Union customers utilizing BR Associates' and German American Bank's parking spaces.

City Attorney Renee Kabrick said that until the objection between German American Bank, BR Associates and Dubois-Pike Credit Union is settled, the variance granting encroachment into the easement along the Third Avenue side cannot be granted.

With no additional remonstrators, Secretary Dan Buck made a motion to close the public hearing on the variance from Section 16.03.050 and the variance from Section 16.02.130 regarding the Staat Strasse side. Bob Cook Seconded it. The motion carried 5-0.

Brad Eckerle requested the variance from Section 16.02.130, to build an addition to an existing building within 41 feet of the front yard along Third Avenue, be tabled.

Bob Cook made a motion to grant a variance from Section 16.03.050 for the parking configuration of the existing building and proposed addition. Secretary Dan Buck seconded it. The motion carried 5-0.

Bob Cook made a motion to grant a variance from Section 16.02.130 to build an addition to an existing building within 23 feet of the front yard along Staat Strasse. Randy Mehringer seconded it. The motion carried 5-0.

Petition of Canterbury Green IV LLC for four variances from Section 16.02.130 (Setback Requirements)

Brad Eckerle, of Brosmer Land Surveying and Engineering, was present on behalf of Canterbury Green IV LLC, to request four variances to construct a building within 11 feet of the rear yard of Lot 62, to construct a building within 11 feet of the rear yard of Lot 63, to construct a building within 8 feet of the front yard of Lot 64, and to construct a building within 8 feet of the front yard of Lot 65. The vacant lots are located in the northeast corner of Canterbury Green II, being on the east side of Downey Street, the north side of Piccadilly Circle, and the south side of 47th Street/County Road 400 North. Subject lots are located directly south and west of the landscaped retaining wall at the intersection of 47th Street/County Road 400 North and U.S. Highway 231.

Mr. Eckerle said that what is being built is a continuation of the duplex units that already exist. All of these lots are in a Planned Unit Development (PUD) and zoned as R-3 (Residential). Regarding Lots 62 and 63, Mr. Ewing is seeking variances to build within 11 feet from the rear yard. Regarding Lots 64 and 65, Mr. Ewing is seeking variances to build within 8 feet of the front yard.

Randy Mehringer clarified that Lot 61 would not be built on because the lot would not accommodate the size of the units. Brad Eckerle verified this statement based on the typography of the lot. Chris Ewing, of Canterbury Green IV LLC, agreed they have no intentions of ever building on Lot 61.

Vice Chairman Josh Gunselman asked if Lots 64 and 65 cannot be impeding onto U.S. Highway 231. Both Mr. Eckerle and Mr. Ewing said they do not want anything encroaching into building setback line along U.S. Highway 231.

Bob Cook made a motion to close the public hearing. Vice Chairman Josh Gunselman seconded it. The motion was carried 5-0.

Bob Cook made a motion to grant a variance from Section 16.02.130 to build within 8 feet of the front yard, along the west side of Lot 65. Vice Chairman Josh Gunselman seconded it. The motion carried 5-0.

Bob Cook made a motion to grant a variance from Section 16.02.130 to construct a building within 8 feet of the front yard of Lot 64. Vice Chairman Josh Gunselman seconded it. The motion carried 5-0.

Bob Cook made a motion to grant a variance from Section 16.02.130 to construct a building within 11 feet of the rear yard of Lot 62. Vice Chairman Josh Gunselman seconded it. The motion carried 5-0.

Bob Cook made a motion to grant a variance from Section 16.02.130 to construct a building within 11 feet of the rear yard of Lot 63. Vice Chairman Josh Gunselman seconded it. The motion was carried 5-0.

ADJOURNMENT

With no further discussion, Vice Chairman Gunselman made a motion to adjourn the meeting. It was seconded by Bob Cook. Motion carried 5-0, and the meeting was adjourned at 7:50 p.m.

Jerry Uebelhor, Chairman

Dan Buck, Secretary

Recording Secretary, Kathy Pfister
(and Intern Shelby Hettinger)